

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Correctional Budget and Impact Note Act is
5 amended by changing Sections 2, 3, 6, 8, and 9 and by adding
6 Section 4.4 as follows:

7 (25 ILCS 70/2) (from Ch. 63, par. 42.82)

8 Sec. 2. Budget impact note required.

9 (a) Every bill which creates a new criminal offense for
10 which a sentence to the Department of Corrections may be
11 imposed; or which enhances any class or category of offense to
12 a higher grade or penalty for which a sentence to the
13 Department of Corrections is authorized; or which requires a
14 mandatory commitment to the Department of Corrections; or which
15 requires that a prisoner shall receive sentence credit other
16 than one day of sentence credit for each day of his or her
17 sentence of imprisonment or recommitment; or which increases
18 the length of a term of mandatory supervised release, shall
19 have prepared for it prior to second reading in the house of
20 introduction a brief explanatory statement or note which shall
21 include a reliable estimate of the probable impact of such bill
22 upon the overall resident population of the Department of
23 Corrections and the probable impact which such bill will have

1 upon the Department's annual budget.

2 (b) Every bill that (i) creates a new criminal offense for
3 which a commitment to the Department of Juvenile Justice or to
4 a juvenile detention facility, sentence of probation,
5 intermediate sanctions, or community service may be imposed or
6 (ii) enhances any class or category of offense to any grade or
7 penalty for which adjudication, commitment, or disposition by a
8 circuit court to the custody of a Probation and Court Services
9 Department may result shall have prepared for it prior to
10 second reading in the house of introduction a brief explanatory
11 statement or note that shall include a reliable estimate of the
12 probable impact of the bill upon the Department of Juvenile
13 Justice, as well as the overall probation caseload Statewide
14 and the probable impact the bill will have on staffing needs
15 and upon the annual budgets of the Illinois Supreme Court and
16 the counties of this State.

17 (Source: P.A. 89-198, eff. 7-21-95.)

18 (25 ILCS 70/3) (from Ch. 63, par. 42.83)

19 Sec. 3. Preparation of note.

20 (a) Upon the filing ~~request of the sponsor~~ of any bill
21 described in subsection (a) of Section 2, the Director of ~~the~~
22 ~~Department of~~ Corrections, or any person within the Department
23 whom the Director may designate, shall prepare a written
24 statement setting forth the information specified in
25 subsection (a) of Section 2. Upon the filing ~~request of the~~

1 ~~sponsor~~ of any bill described in subsection (b) of Section 2,
2 the Director of Juvenile Justice and the Director of the
3 Administrative Office of the Illinois Courts, or any person
4 each ~~the~~ Director may designate, shall prepare a written
5 statement setting forth the information specified in
6 subsection (b) of Section 2.

7 The statement prepared by the Director of Corrections,
8 Director of Juvenile Justice, or Director of Administrative
9 Office of the Illinois Courts, as the case may be, shall be
10 designated a Correctional Budget and Impact Note and shall be
11 filed with the Clerk of the House or the Secretary of the
12 Senate, as appropriate, and furnished to the sponsor within 10
13 calendar days thereafter, except that whenever, because of the
14 complexity of the bill, additional time is required for the
15 preparation of the note, the Department of Corrections,
16 Department of Juvenile Justice, or Administrative Office of the
17 Illinois Courts may so notify the sponsor and request an
18 extension of time not to exceed 5 additional days within which
19 such note is to be furnished. ~~Such extension shall not extend~~
20 ~~beyond May 15 following the date of the request.~~

21 (b) Upon the filing of any bill requiring the preparation
22 of a written statement under subsection (a), the sponsor of the
23 bill in the house of introduction shall inform the Department
24 of Corrections, the Department of Juvenile Justice, and the
25 Administrative Office of the Illinois Courts of the filing of
26 the bill.

1 (Source: P.A. 92-16, eff. 6-28-01.)

2 (25 ILCS 70/4.4 new)

3 Sec. 4.4. Preferred funding source. Within 5 days after
4 receiving the statement required in Section 3 of this Act, the
5 sponsor shall file with the Clerk of the House or the Secretary
6 of the Senate, as appropriate, a written statement identifying
7 the sponsor's preferred means of funding the costs to be
8 incurred by the legislation. The required identification shall
9 be made either by specifying (i) the additional tax or other
10 revenue source from which an amount equal to the costs
11 identified are to be generated or (ii) the specific line item
12 or items in the budget for the current fiscal year that would
13 be reduced or eliminated to reach an amount equal to the costs
14 identified.

15 (25 ILCS 70/6) (from Ch. 63, par. 42.86)

16 Sec. 6. Preparation of note. No comment or opinion shall be
17 included in the note with regard to the merits of the measure
18 for which the note is prepared; however technical or mechanical
19 defects may be noted.

20 The work sheet shall include, insofar as practicable, a
21 breakdown of the costs upon which the note is based. Such
22 breakdown shall include, but need not be limited to, costs of
23 personnel, room and board, and capital outlay. The note shall
24 also include such other information as is required by the rules

1 and regulations which may be promulgated by each house of the
2 General Assembly with respect to the preparation of such notes.

3 The note shall be prepared in quintuplicate and the
4 original of both the note and the work sheet shall be signed by
5 the Director of the Department of Corrections or such person as
6 the Director may designate, by the Director of Juvenile
7 Justice, or such person as the Director may designate, or by
8 the Director of the Administrative Office of the Illinois
9 Courts, or any person the Director may designate.

10 (Source: P.A. 89-198, eff. 7-21-95.)

11 (25 ILCS 70/8) (from Ch. 63, par. 42.88)

12 Sec. 8. Amendments; notes required. Whenever any measure is
13 amended on the floor of either house in such manner as to bring
14 it within the description of bills set forth in Section 2
15 above, ~~a majority of such house may propose that~~ no action
16 shall be taken upon the amendment until the sponsor of the
17 amendment presents to the members a statement of the budget and
18 population impact of his or her amendment, as required by this
19 Act.

20 (Source: P.A. 83-1031.)

21 (25 ILCS 70/9) (from Ch. 63, par. 42.89)

22 Sec. 9. Confidentiality before introduction. The subject
23 matter of bills submitted to the Director of ~~the Department of~~
24 Corrections, the Director of Juvenile Justice, or the Director

1 of the Administrative Office of the Illinois Courts shall be
2 kept in strict confidence and no information relating thereto
3 or relating to the budget or impact thereof shall be divulged
4 by an official or employee of the Department or the
5 Administrative Office of the Illinois Courts, except to the
6 bill's sponsor or his designee, prior to the bill's
7 introduction in the General Assembly.

8 (Source: P.A. 92-16, eff. 6-28-01.)

9 (25 ILCS 70/4 rep.)

10 Section 10. The Correctional Budget and Impact Note Act is
11 amended by repealing Section 4.

12 Section 99. Effective date. This Act takes effect upon
13 becoming law.